

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00302

Joshua William Morrow et al.,
Plaintiffs,

v.

James Clay Short et al.,
Defendants.

ORDER

Plaintiffs Cody Taylor Lashley, Joshua William Morrow, Charles Narramore, and James Clint Thornton brought this action complaining of violations of the Eighth Amendment suffered while they were incarcerated at the Texas Department of Criminal Justice's Louis C. Powledge Unit. Specifically, plaintiffs—all of whom participated in a prison work program in which they bred hogs—claim that defendants failed to furnish adequate training about and physical protection against pig-borne diseases. These failures, plaintiffs allege, caused them to contract brucellosis after they were instructed to dispose infected hogs. Doc. 1. Defendants moved for summary judgment. Doc. 45. United States Magistrate Judge John D. Love issued a report recommending that defendants' motion be granted on qualified immunity grounds and that this case be dismissed with prejudice. Doc. 63. Plaintiffs were granted an extension, until November 16, 2022, to file objections to the report and recommendation (Doc. 65), but no objections have been filed and the time for doing so has passed.

When a party fails to object to a magistrate judge's report, the court reviews the record only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Having reviewed the magistrate judge's report and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Accordingly, the report and recommendation (Doc. 63) is adopted. Fed. R. Civ. P. 72(b)(3). Defendants' motion for summary judgment (Doc. 45) is granted, as defendants are

entitled to qualified immunity. Plaintiffs' claims are dismissed with prejudice. All other motions are denied as moot.

So ordered by the court on December 13, 2022.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge